

218963

STATE OF SOUTH CAROLINA

(Caption of Case)  
IN RE:

South Carolina Electric & Gas Company's Request  
for Approval of Demand Side Management Plan  
Including a Demand Side Management Rate Rider  
and Portfolio of Energy Efficiency

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

COVER SHEET

DOCKET  
NUMBER: 2009 - 261 - E

(Please type or print)

Submitted by:	E. Wade Mullins, III	SC Bar Number:	3525
Address:	PO Box 61110	Telephone:	803-252-7693
	Columbia, SC 29260	Fax:	803-254-5719
		Other:	
		Email:	wmullins@brunerpowell.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition      ☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other: \_\_\_\_\_

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

# BRUNER, POWELL, ROBBINS, WALL & MULLINS, LLC

ATTORNEYS AND COUNSELORS AT LAW

1735 ST. JULIAN PLACE, SUITE 200

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TELEPHONE (803) 252-7693

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WARREN C. POWELL, JR., P.A.\*  
RONALD E. ROBBINS, P.A.  
HENRY P. WALL, P.A.  
E. WADE MULLINS, III, P.A.

\* Also Admitted in District of Columbia

BRIAN P. ROBINSON, P.A.  
WESLEY D. PEEL, P.A.  
JOEY R. FLOYD, P.A.  
WILLIAM D. BRITT, JR., P.A.

LEAH EDWARDS GARLAND  
BENJAMIN C. BRUNER

September 8, 2009

AUTHOR'S E-MAIL:  
[WMULLINS@brunerpowell.com](mailto:WMULLINS@brunerpowell.com)

## **VIA HAND DELIVERY**

The Honorable Charles L.A. Terreni  
Chief Clerk/Administrator  
Public Service Commission of South Carolina  
101 Executive Center Drive, Suite 100  
Columbia, South Carolina 29210

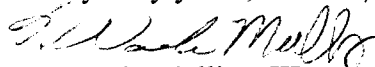
**RE: Application of South Carolina Electric and Gas Company for the  
Establishment and Approval of DSM Programs and Rate Rider  
Docket No. 2009-261-E  
Motion of CMC Steel South Carolina to Amend the Schedule**

Dear Mr. Terreni:

Enclosed for filing please find the original and ten (10) copies of the **Motion for Admission Pro Hac Vice** in the above referenced matter. I have also enclosed two extra copies of the Motion and would appreciate you file stamping the extra copies and returning them to me via courier. By copy of this letter, I am serving all parties of record. If you have any questions or need additional information, please do not hesitate to contact me.

With kind regards, I am

Very truly yours,



E. Wade Mullins, III

EWM/rdd  
Enclosures

cc: Belton T. Zeigler, Esquire (w/enc.)  
Catherine D. Taylor, Esquire (w/enc.)  
Frank Knapp, Jr., Esquire (w/enc.)  
J. Blanding Holman, IV, Esquire (w/enc.)  
K. Chad Burgess, Esquire (w/enc.)  
Lee E. Dixon, Esquire (w/enc.)

Mitchell Willoughby, Esquire (w/enc.)  
Robert Guild, Esquire (w/enc.)  
Scott Elliott, Esquire (w/enc.)  
Shannon B. Hudson, Esquire (w/enc.)  
Damon E. Xenopoulos, Esquire (w/enc.)



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ATTORNEYS AND COUNSELORS AT LAW  
1735 ST. JULIAN PLACE, SUITE 200  
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JAMES L. BRUNER, P.A.  
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RONALD E. ROBBINS, P.A.  
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BENJAMIN C. BRUNER

September 8, 2009

AUTHOR'S E-MAIL:  
[WMULLINS@BRUNERPOWELL.COM](mailto:WMULLINS@BRUNERPOWELL.COM)

## **VIA HAND DELIVERY**

South Carolina Supreme Court  
Office of Bar Admissions  
1231 Gervais Street  
Columbia, South Carolina 29201

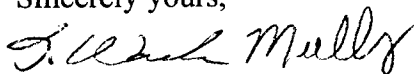
RE: CMC Steel – South Carolina  
Application of South Carolina Electric and Gas Company for the Establishment and  
Approval of DSM Programs and Rate Rider  
Public Service Commission of South Carolina Docket No. 2009-261-E  
Our File No.: 7-1719.107

To Whom It May Concern:

Pursuant to Rule 404 of the South Carolina Appellate Court Rules, enclosed for filing please find a Verified Application for Admission Pro Hac Vice along with the filing fee in the amount of \$250.00. I would appreciate you file stamping the copies provided as proof of filing and returning them to me via my courier. If you have any questions relating to the enclosed please do not hesitate to contact me.

With my kindest regards, I am

Sincerely yours,



E. Wade Mullins, III

**RECEIVED**

SEP 8 - 2009

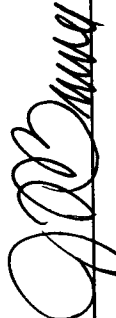
**S.C. SUPREME COURT**

EWM/rdd  
Enclosures

cc: Counsel of Record  
Damon E. Xenopoulos, Esquire

CHECK

DATE	DESCRIPTION	IN/OUT *	*MOUNT	DEDUCTION	NET AMOUNT
09/08/09	CLERK, S.C. SUPREME COURT FILING FEE-VERIFIED APPLICATION FOR ADMISSION PRO HAC VICE		250.00		250.00
TOTALS ► Gross:		250.00	Ded:	0.00	Net: 250.00
CHECK DATE 09/08/09	CONTROL NUMBER 30304	PLEASE DETACH THIS REMITTANCE ADVICE BEFORE DEPOSITING CHECK			

BRUNER, POWELL, ROBBINS, WALL & MULLINS, LLC A PROFESSIONAL LIMITED LIABILITY COMPANY ATTORNEYS AT LAW P.O. BOX 61110 803/252-7693 COLUMBIA, SC 29260-1110		CHECK NO. 30304
DATE 09/08/09		CHECK AMOUNT *****\$250.00
PAY TO THE ORDER OF: *** TWO HUNDRED FIFTY & 00/100 DOLLARS		
OF: CLERK, S.C. SUPREME COURT S.C. SUPREME COURT POST OFFICE BOX 11330 COLUMBIA SC 29211		
GENERAL ACCOUNT 		

Details on back.



**BEFORE THE  
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

**IN THE MATTER OF:**

**South Carolina Electric & Gas  
Company's Request for Approval of  
Demand Side Management Plan  
Including a Demand Side Management  
Rate Rider and Portfolio of Energy  
Efficiency Programs**

**Docket No. 2009-261-E**

**VERIFIED APPLICATION FOR ADMISSION  
PRO HAC VICE**

**RECEIVED**  
SEP 8 - 2009  
**S.C. SUPREME COURT**

Comes now Damon Xenopoulos, applicant herein, and respectfully represents the following:

1. Applicant resides at  
5028 Warren Street, NW

Street Address

Washington, DC, 20016

City County State Zip Code

202-271-1624

Telephone

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Brickfield, Burchette, Ritts & Stone, PC, with offices at 1025 Thomas Jefferson St., NW, Eighth Floor, West Tower, Washington DC 20007.

Telephone: 202/342-0800

Fax Number: 202/342-0807.

3. Applicant has been retained personally or as a member of the above named law firm by CMC Steel – South Carolina to provide legal representation in connection with the above case now pending before the above named court of the State of South Carolina.

4. Since October 4<sup>th</sup> of 1993, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of \_\_\_\_\_ where applicant regularly practices law. Attached is a certificate of good standing.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

<u>Court:</u>	<u>Date Admitted:</u>
• Appellate Division of the Supreme Court of the State of New York First Judicial Department	February 1, 1988
• Supreme Court of California	June 6, 1989
• United States Court of Appeals for the Ninth Circuit	June 22, 1989
• United States Court of Appeals for the Federal Circuit	May 24, 1990
• United States Court of International Trade	February 7, 1991
• District of Columbia Court of Appeals	October 4, 1993

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

Not Applicable (California bar membership is inactive at Applicant's election.)

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

Not Applicable

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

Not Applicable

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

Not Applicable

9. Local counsel of record associated with applicant in this case is E. Wade Mullins, III and Joey R. Floyd, of Bruner, Powell, Robbins, Wall & Mullins, LLC, 1735 St. Julian Place, Suite 200, Columbia, SC 29260-1110.

If applicable list all other firms/attorneys you are associated with in this matter

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

Applicant filed an application to appear *pro hac vice* in the following proceeding before the Public Service Commission:

Name: Case No. 2006-2-E  
South Carolina Electric & Gas Company  
Annual Review of Base Rates for Fuel Costs  
Status: Settlement approved by Commission  
Application: January 12, 2006 and granted by Commission Order  
Local Counsel: E. Wade Mullins, III

Name: Case No. 2007-229-E  
Application of South Carolina Electric & Gas Company for Adjustments  
and Increases in the Company's Electric Rate Schedules and Tariffs  
Status: Settlement approved by Commission  
Application: June 15, 2007 and granted by Commission Order  
Local Counsel: E. Wade Mullins, III

Name: Case No. 2008-196-E  
Combined Application of South Carolina Electric & Gas Company for a  
Certificate of Environmental Compatibility and Public Convenience and  
Necessity and for a Base Load Review Order for the Construction and  
Operation of a Nuclear Facility at Jenkinsville. South Carolina  
Status: Commission Final Order issued February 27, 2009  
Application: July 14, 2008 and granted by Commission Order  
Local Counsel: E. Wade Mullins, III

Name: Case No. 2008-302-E  
South Carolina Electric & Gas Company  
Annual Review of Base Rates for Fuel Costs  
Status: Settlement approved by Commission  
Application: September 2, 2008 and granted by Commission Order  
Local Counsel: E. Wade Mullins, III

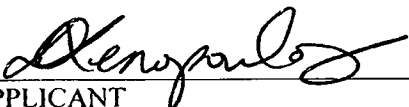


Name: Case No. 2009-2-E  
South Carolina Electric & Gas Company  
Annual Review of Base Rates for Fuel Costs  
Status: Settlement approved by Commission  
Application: March 16, 2009 and granted by Commission Order  
Local Counsel: E. Wade Mullins, III

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named court for this case only.

DATED this 4<sup>th</sup> day of September, 2009.

  
\_\_\_\_\_  
APPLICANT

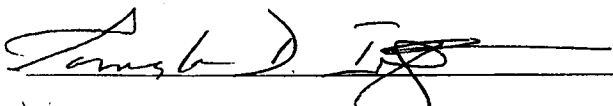
#### VERIFICATION

District of Columbia )

I, Damon Xenopoulos, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.

  
\_\_\_\_\_  
APPLICANT/AFFIANT

Subscribed and sworn to before me this 4<sup>th</sup> day of September, 2009.

  
\_\_\_\_\_

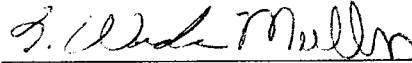
Notary Public for the State of DISTRICT OF COLUMBIA

My Commission Expires: JUNE 30, 2014

### LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this <sup>2<sup>nd</sup></sup> 2 day of September, 2009.

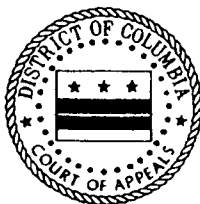
A handwritten signature in cursive script, appearing to read "J. Wade Mullin", is written over a horizontal line.

LOCAL COUNSEL OF RECORD

### CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court via hand delivery to the South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 8th day of September, 2009.

Rita W. McCarley



District of Columbia Court of Appeals  
Committee on Admissions  
430 F Street, N.W. — Room 123  
Washington, D. C. 20001  
202/879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

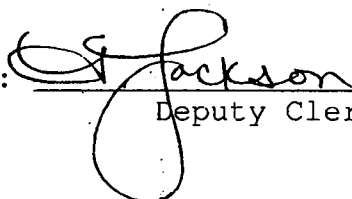
DAMON E. XENOPOULOS

---

was on the 4<sup>TH</sup> day of OCTOBER, 1993  
duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date  
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on  
September 4, 2009.

GARLAND PINKSTON, JR., CLERK

By:   
Deputy Clerk

**BEFORE THE  
SOUTH CAROLINA PUBLIC SERVICE COMMISSION**

**In RE:**

**South Carolina Electric & Gas  
Company's Request for Approval of  
Demand Side Management Plan  
Including a Demand Side Management  
Rate Rider and Portfolio of Energy  
Efficiency Programs**

)  
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)

**Docket No. 2009-261-E**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8<sup>th</sup> day of September, 2009, I served the **Motion for Admission Pro Hac Vice** by regular mail, with sufficient postage affixed thereto and return address clearly marked, to the following addresses:

**Belton T. Ziegler, Esquire**  
**Lee E. Dixon, Esquire**  
Pope Ziegler, LLC  
Post Office Box 11509  
Columbia, SC 29211

**K. Chad Burgess, Esquire**  
**Catherine D. Taylor, Esquire**  
South Carolina Electric and Gas Company  
1426 Main Street MC 130  
Columbia, SC 29201

**Shannon Bowyer Hudson, Esquire**  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201

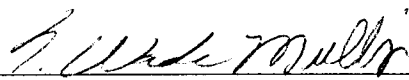
**Scott Elliott, Esquire**  
Elliott & Elliott, PA  
721 Olive Street  
Columbia, SC 29205

**Frank Knapp, Jr., Esquire**  
1717 Gervais Street  
Columbia, SC 29201

**J. Blanding Holman, IV, Esquire**  
Post Office Box 609  
Charleston, SC 29402

**Mitchell Willoughby, Esquire**  
Willoughby & Hoefer, PA  
Post Office Box 8416  
Columbia, SC 29202

**Robert Guild, Esquire**  
314 Pall Mall  
Columbia, SC 29201

  
\_\_\_\_\_  
E. Wade Mullins, III, Esq.  
BRUNER, POWELL, ROBBINS, WALL &  
MULLINS, LLC  
P.O. Box 61110  
Columbia, South Carolina 29260  
(803) 252-7693